

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-12 and 15-17 are in the case.

I. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

Claims 8-10 and 12-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for the reasons stated on pages 2 and 3 of the Action. In response, claims 8 and 10 have been amended so as to be independent claims showing the defined formulae, and claims 13 and 14 have been cancelled without prejudice. Claim 12 has been amended so as to refer to a compound as claimed in claim 1.

Withdrawal of the outstanding 35 U.S.C. § 112, second paragraph, rejection is now believed to be in order. Such action is respectfully requested.

II. THE 35 U.S.C. § 101 REJECTION

Claims 13 and 14 stand rejected under 35 U.S.C. § 101. In response, claims 13 and 14 have been cancelled without prejudice. Withdrawal of this rejection is now respectfully requested.

III. THE 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION

Claims 1-17 stand rejected under 35 U.S.C. § 112, first paragraph, on alleged lack of enablement grounds. That rejection is respectfully traversed.

The Examiner alleges that the specification, while being enabling for the preparation of compounds of Formula I, does not reasonably provide enablement for the use of the compounds. The Examiner asserts that the specification only discloses procedures for bio-assay methods, and allegedly does not indicate which compound has activity and which compound does not. The Examiner's assertions are respectfully traversed.

It is believed that all of the claimed compounds have the stated utility, i.e., as CxCR2 receptor antagonists. The Applicants are not aware of any compounds that do not have such activity. The specification provides 302 examples to support the claimed scope. On page 124, lines 22 and 23 of the specification, it is stated that the compounds of the Examples were found to have IC₅₀ values of less than 10 μ m. The person of ordinary skill in the art would have been able, as of the filing date of the application, to use the bio-assay methods disclosed in the specification to determine the IC₅₀ values for other compounds. Such a skilled person would also have been guided by the indications in the specification of particular and preferred compounds of the invention.

With regard to pharmaceutical compositions, the Examiner's position is respectfully traversed. The range of percentage weights of active ingredient reflects the wide range of compositions that may be prepared. Applicants disagree that 99% is unrealistic; there may be situations where 1% of another ingredient is appropriate. The same comment applies with respect to the 50% figure referred to by the Examiner.

There is no requirement to disclose the therapeutic index of the compounds. It is well within the level of ordinary skill in this art, using routine experimentation, to select appropriate formulations and dosage regimens.

In light of the above, it is clear that the invention as claimed is fully enabled by the originally filed specification. Withdrawal of the outstanding lack of enablement rejection is accordingly respectfully requested.

IV. CLAIM OBJECTIONS

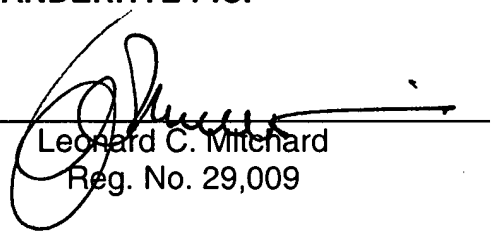
Claim 7 has been objected to as dependent on a rejected base claim (claim 1). With the above argument, it is believed that claim 1, and thus claim 7, are allowable. Withdrawal of the objection to claim 7 is respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

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